

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER COOK,)	CASE NO. 1:20 CV 811
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	Magistrate Judge Kathleen B. Burke
)	
Defendant.)	<u>MEMORANDUM OPINION</u>
)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Kathleen B. Burke. (Document #17.) On April 15, 2020, Plaintiff, Christopher Cook, filed his Complaint (Docket #1) challenging the final decision of the Commissioner of Social Security denying his application for Supplemental Security Income. Pursuant to Local Rule 72.2(b), the case was referred to Magistrate Judge Burke.

On May 17, 2021, the Magistrate Judge issued her Report and Recommendation. The Magistrate Judge recommends that the Commissioner's decision denying Mr. Cook's application for Supplemental Security Income be affirmed. Objections to the Report and Recommendation were to be filed by May 31, 2021. No objections were filed.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case de novo. FED. R. CIV. P. 72(b)(3) reads as follows:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate the appropriate standard of review for those reports to which no objections have been properly made. The Advisory Committee on Civil Rules commented on a district court's review of *unopposed* reports by magistrate judges. In regard to subsection (b) of Rule 72, the advisory committee stated: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."

Conclusion

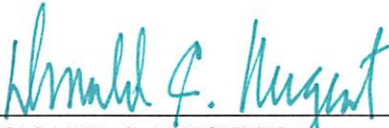
The Court has carefully reviewed the thorough and well-reasoned Report and Recommendation issued by Magistrate Judge Burke and agrees with the findings set forth

therein.

The Report and Recommendation of Magistrate Judge Burke (Docket #17) is hereby ADOPTED. The decision of the Commissioner denying Mr. Cook's application for Supplemental Security Income is hereby AFFIRMED.

This case is hereby TERMINATED.

IT IS SO ORDERED.



DONALD C. NUGENT
Senior United States District Judge

DATED: June 18, 2021